

ARTICLE 12 DEFINITIONS

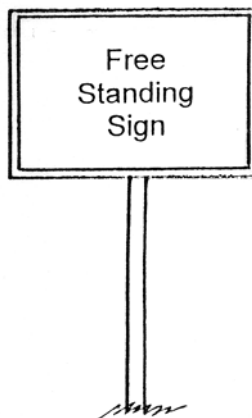
For the purposes of this Bylaw certain words and terms used herein shall be interpreted as follows:

- 12.00 Aggregated accessory uses: One or more uses customarily accessory to principal residential uses as allowed in this Zoning Bylaw, where such accessory use(s) are aggregated, used and shared in common by the occupants of more than one residential dwelling unit located on the same property or a different property from the accessory use(s).
- 12.01 Amusement device: Any mechanical or electronic game, amusement, sport or test of skill including, but not limited to, videogame machines, pinball machines, pool or billiard tables, or similar mechanical or electronic devices.
- 12.02 Aquifer: Geologic formation composed of rock or sand and gravel that contains significant amounts of potentially recoverable ground water.
- 12.03 Arcade: Premises, or portions of premises, where six or more amusement devices are maintained for public or private membership use.
- 12.04 Bar: A food and drink establishment or a part of such an establishment devoted primarily to the service and consumption of alcoholic beverages on the premises, and in which the service of food is only incidental.
- 12.05 Bed and Breakfast: A use accessory to a dwelling unit consisting of overnight lodging with breakfast. In a bed and breakfast no meals other than breakfast shall be served, and no breakfast shall be served nor shall any retail and consumer services be provided to any member of the public not lodged as an overnight guest.
- 12.06 Congregate Housing For the Elderly And Handicapped: A building or buildings, or a portion thereof, arranged or used for lodging by elderly and handicapped residents, as defined in Chapter 121B of the General Laws, wherein meals may be served in one or more group dining facilities.
- 12.07 Converted Dwelling: A dwelling unit in or attached to an existing residence of ten or more years of age, or a detached structure constructed prior to 1964, located on a lot where at least one dwelling unit lawfully existed prior to the conversion.
- 12.08 Discharge Area: That portion of the surface area of an aquifer which, because of an overlying layer of impermeable material such as clay, tends to discharge more precipitation and stream flow out of the watershed as surface runoff than it allows to percolate into the ground and recharge the aquifer. Where an overlying layer is not completely impermeable as a result of natural conditions or human activity, a discharge area can be a potential location for the introduction of groundwater pollution.
- 12.09 Drive-up restaurant: A restaurant, refreshment stand, fast-food eatery, or other similar place for the service of food or beverages, some portion of which is served to persons remaining in their vehicles outside the building, via a drive-up window or other similar method.
- 12.10 Dwelling Unit, Attached: A building containing three or more units, each unit having a separate entrance.
- 12.11 Dwelling Unit, Detached: A single family dwelling, containing one unit, which provides complete independent living facilities.
- 12.12 Dwelling Unit, Duplex: A building containing two dwelling units, arranged one above the other, or side by side, each with a separate entrance.
- 12.13 Dwelling Unit, Zero Lot Line: A single family unit, sited on one or more lot lines, with no yard along these lot lines. A zero lot line unit may be attached to an adjoining zero lot line unit provided they are separated by a party wall, with no openings along the dividing lot line.

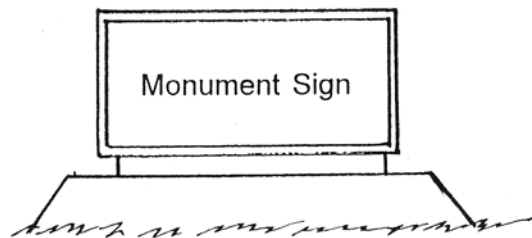
- 12.14 Family:
- 12.140 An individual residing in one dwelling unit; or
- 12.141 A group of persons related by marriage, blood and/or adoption residing together in one dwelling unit; or
- 12.142 A group of unrelated individuals, not to exceed 4, residing cooperatively in one dwelling unit. In this instance, an accessory use as described in Sections 5.010 and 5.011 is not permitted.
- 12.15 Floor Area Ratio: The ratio of gross floor area of all buildings to the lot area.
- 12.16 Groundwater: All the water found beneath the surface of the ground. More specifically, the slowly moving subsurface water present in the aquifer and recharge areas.
- 12.17 Hazardous Material: Any material or combination of materials, which because of its quantity, concentration or physical, chemical or infectious characteristics may cause or significantly contribute to a present or potential threat to human health, safety or welfare or to the environment when improperly stored, treated, transported, disposed of, used or otherwise managed. This definition includes all substances which are included in the definition of hazardous materials contained in M.G.L. Chapter 21C.
- 12.18 Hostel: An overnight lodging facility licensed by a recognized national or international hostelling organization, offering temporary lodging to members of such organizations and other travelers, as well as educational programs and other goods and services related to hostelling. Lodging for non-members shall not exceed fourteen (14) days in any four (4) month period, with a limit of no more than seven (7) consecutive days. Lodging for members shall not exceed thirty (30) days in any four (4) month period, with a limit of no more than fourteen (14) consecutive days.
- 12.19 Hotel or Motel: A structure used or designed for overnight lodging, and which may also provide a restaurant and hotel/motel-related retail and consumer services to lodgers and the public.
- 12.20 Housing, Affordable: Affordable housing units are units which may be rented or purchased by those who meet the guidelines for maximum annual income for low-income or moderate-income family or household. The income limit for low-income shall be 80% of the median income for Amherst and the income limit for moderate-income shall be 120% of median income for Amherst.
- Median income for Amherst shall be as calculated by the U.S. Department of Housing & Urban Development, or any successor agency and shall be adjusted for family size.
- 12.21 Inn: A structure used or designed for overnight lodging, and which may also provide a restaurant and related retail and consumer services to lodgers and the public. An inn shall be located in a historic building 75 years or more in age.
- 12.22 Lot, Buildable: Any lot meeting the minimum lot area and lot frontage requirements of the zoning district in which it is located and which contains either 90 percent of its total lot area, or 20,000 square feet, in contiguous upland acreage.
- 12.23 Oil: Insoluble or partially soluble crude or fuel oils, lube oil, sludge, asphalt or partially insoluble derivatives of mineral, animal or vegetable oils.
- 12.24 Owner-Occupant(s): One or more natural persons who, in their individual capacity as distinct from any representative capacity, own(s) a whole or undivided interest in fee simple of certain real property and at least one of whom occupies a dwelling unit thereon as his or her principal residence.
- 12.25 Permit Granting Board: That Board designated by the Zoning Bylaw to hear and decide Site Plan Review applications.
- 12.26 Recharge Area: Areas composed of permeable stratified sand and gravel or till and certain wetlands that

collect precipitation or surface water and carry it to the aquifer.

- 12.27 Restaurant: An establishment or part of an establishment devoted primarily to the service and consumption of food and beverages on the premises. Any such establishment shall be considered a restaurant if the service of food is its primary activity and the service of alcoholic beverages, if any, is incidental to the sale, service and consumption of food and non-alcoholic beverages.
- 12.28 Sign: Any fabricated or illuminated display structure, device or surface incorporating letters, numerals, figures, symbols or other graphic or design elements used for the visual attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine, merchandise or event, where such sign is displayed in any manner out of doors, or displayed indoors for the purpose of being viewed from the out of doors.
- 12.29 Sign, Free standing: A sign supported permanently upon the ground by poles.



- 12.30 Sign, monument: A sign mounted either directly on the ground or on a wall that is situated on the ground.



- 12.31 Special Permit Granting Authority: The Zoning Board of Appeals and the Planning Board are designated as the Special Permit Granting Authorities, as provided within the Articles of this Bylaw.
- 12.32 Street: An accepted public way, or a way which the Town Clerk certifies is maintained and used as a public way, or a way shown on a plan which has been approved and endorsed in accordance with the Subdivision Control Law, or a way in existence when the Subdivision Control Law became effective in the Town of Amherst having, in the opinion of the Planning Board, sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting on the way.
- 12.33 Subdividable Dwelling: A building constructed for potential multi-family residential purposes as its principal use and having an external appearance and footprint substantially consistent with those of a one family detached dwelling. The internal construction design of the building allows for ease of both conversion into more dwelling units, and consolidation into fewer dwelling units, all within the maximum number established under Section 3.324 of this Bylaw.

- 12.34 Town House: Three or more attached dwelling units, each of which has a separate entrance on the ground level and which is no more than three stories in height.
- 12.35 Truck Terminal: A building or area in which freight brought by truck is assembled and/or stored for routing and reshipment or in which semi-trailers, including tractor and/or trailer units, and other trucks are parked or stored.
- 12.36 Upland Acreage: Lot area, not including watercourses, waterbodies, vernal pools, banks, or bordering or isolated vegetated wetland as defined by the Massachusetts Wetlands Protection Act Regulations 310 CMR 10.00, or the Amherst Wetlands Bylaw.
- 12.37 Waste: Any discarded material, or any material otherwise generated or produced as a by-product of any activity which is not intended for further use by the generator or producer.
- 12.38 Wastewater Treatment Works Subject to 314 CMR 5.00: Any wastewater treatment plants or works, including community septic systems, which require a groundwater discharge permit from the Massachusetts Department of Environmental Protection (DEP).
- 12.39 Watershed: Lands lying adjacent to water courses and surface water bodies which create the catchment or drainage areas of such water courses and bodies.
- 12.40 Wireless Communications Facilities: Facilities used for the principal purpose of commercial or public wireless communications uses, such as cellular telephone services, enhanced specialized mobile radio services, microwave communications, personal wireless communications services, paging services and the like, as defined in Section 704 of the Federal Telecommunications Act of 1996, as amended. Such facilities shall include towers, antennae, antennae support structures, panels, dishes and accessory structures. For the purposes of this bylaw, wireless communications facilities do not include the following accessory uses or structures: antennae or dishes used solely for residential household television and radio reception; antennae or dishes used for commercial or public purposes which are not visible from any neighboring property or public way, or as set forth in Section 3.340.2.j., or dishes for these purposes measuring two (2) meters or less in diameter; nor amateur radio facilities, including towers under sixty-five (65) feet above ground, actively used in accordance with the terms of any amateur radio service license issued by the Federal Communications Commission (FCC), provided that the tower is not used or licensed for any commercial use.
- 12.41 Zone I Recharge Area: That area encompassed by a circle extending around the wellhead of a public drinking water well, with the wellhead at its center and including all land within a 400 foot radius.
- 12.42 Zone II Recharge Area: That area of an aquifer which contributes water to a public drinking water well under the most severe pumping and recharge conditions that can be realistically anticipated (180 days of pumping at safe yield, with no recharge from precipitation). It is bounded by the groundwater divides which result from pumping the well and by the contact of the aquifer with less permeable materials such as till or bedrock. In some cases, streams or lakes may act as recharge boundaries. In all cases, Zone II shall extend up-gradient to its point of intersection with prevailing hydrogeologic boundaries (a groundwater flow divide, a contact with till or bedrock, or a recharge boundary).
- 12.43 Zone III Recharge Area: The land area beyond the area of Zone II from which surface water and groundwater drain into Zone II, as defined in 310 CMR 22.00, as amended.
- 12.44 Zoning Enforcement Officer: The Building Commissioner of the Town of Amherst.